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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,131	12/13/2001	Toshikazu Onishi	35.C13314 D2	3837
5514	7590	08/20/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			SANTIAGO, MARICELI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2879

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,131

Applicant(s)

ONISHI ET AL.

Examiner

Mariceli Santiago

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/248,102.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2004 has been entered.

### ***Response to Amendment***

The Amendment, filed on April, 21, 2004, has been entered and acknowledged by the Examiner.

Cancellation of claims 1-15 has been entered.

Claims 16-25 are pending in the instant application.

### ***Specification***

The substitute specification filed December 13, 2001 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because:

The statement as to a lack of new matter under 37 CFR 1.125(b) is missing.

The current status of all nonprovisional parent applications referenced should be included. Reference to prior art applications should be updated to recite "This is a divisional of U.S. Patent Application No. 09/848,360, filed on May 4, 2001, **now U.S. Patent No. 6,379,211...**"

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US 5,591,061) in view of Yamanobe (EP 0 788 130).

Regarding claims 16-18, Ikeda discloses a method of manufacturing an electron source comprising the steps of exposing a surface of a substrate to a sealed atmosphere, on which a plurality of electron-emitting devices are formed, and introducing a gas containing carbon into the sealed atmosphere (Column 11, lines 51-67), wherein the sealed atmosphere is formed by a chamber. Ikeda discloses "The vacuum chamber was so operated by the control unit **55** that, after evacuating the vacuum chamber by means of an ion pump to about  $10^{-6}$  Pa, acetone was introduced into the chamber by regulating a gas supply unit **51** and a solenoid valve **52** until the inner pressure of the vacuum chamber rose to  $2.7 \times 10^{-1}$  Pa. At the same time, the drive circuit of the vacuum pump unit was also operated by the control unit **55** to regulate the evacuation rate by means of a gate valve.", (Column 26, lines 22-31). Accordingly, as clearly stated by Ikeda, the introducing of gas containing carbon is performed while exhausting the sealed atmosphere formed by the chamber.

Ikeda discloses the step of heating the chamber at prior to the activation step (Column 13, lines 11-19) but fails to particularly disclose heating the chamber prior the introducing step. However, in the same field of endeavor, Yamanobe discloses a method of manufacturing an electron source comprising the step of activating the emitter source comprising coating the emitter with a carbon material and causing a current to energize the electro-conductive member.

Art Unit: 2879

Yamanobe discloses that water vapor causes non-uniform results in the activation process.

Since a non-uniform display is undesirable, it would have been obvious to one of ordinary skill in the art at the time of applicants' invention to remove the water vapor before an activation step, whether the carbon is introduced as a gas or otherwise. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of invention was made to heat the chamber of Ikeda prior to introducing the carbon gas to remove the water vapor so to obtain more uniform results in the activation process since Yamanobe teaches that water vapor undesirably affects the activation process.

Regarding claim 19, Ikeda discloses a method further comprising the step of applying a voltage to an electro-conductive member, the electro-conductive member being disposed on the surface of the substrate (Abstract).

Regarding claim 20, claim 20 is rejected for the same reasons stated in the rejection of claim 1 above, furthermore, Ikeda discloses wherein an electro-conductive member, in which an electron-emitting region is formed, being disposed on the surface of the substrate (Abstract).

Regarding claim 21, Ikeda discloses a method further comprising the step of applying a voltage to the electro-conductive member (Abstract).

Regarding claims 22 and 24, claims 22 and 24 are rejected for the same reasons stated in the rejection of claim 1 above, furthermore, Ikeda discloses an electro-conductive member, capable of being subjected to an activation of an electron-emitting function, being disposed on the surface of the substrate (Abstract).

Regarding claims 23 and 25, Ikeda discloses a method further comprising the step of applying a voltage to the electro-conductive member (Abstract).

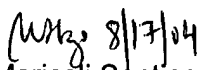
Art Unit: 2879

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879